

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICHARD JOHNSON,

Plaintiff,

-against-

**ORDER**

05-CV-2888 (RJD) (LB)

AMERICAN BUSINESS CREDIT, INC., and its assignee,  
399 BROADWAY HOLDINGS, LLC; KENNETH KANNABOL,  
individually; and ANTHONY PINKESZ, individually,

Defendants.

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DEARIE, United States District Judge.

Plaintiff, Richard Johnson, brings this pro se action pursuant to various provisions of the Federal Trade Commission Act, the Truth in Lending Act, and other federal statutes, principally seeking to prevent defendants from foreclosing on premises owned by plaintiff. On June 17, 2005, plaintiff filed a proposed order to show cause and a supporting memorandum of law, requesting a preliminary injunction and temporary restraining order enjoining defendants from taking any further actions to foreclose upon the property.

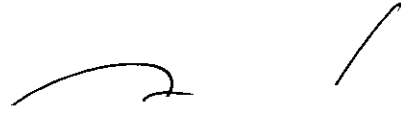
Plaintiff has not made the showing of immediate, irreparable harm necessary to obtain preliminary injunctive relief. Plaintiff's memorandum of law implies that the foreclosure will occur, if at all, only "if Defendant(s) continue with their present course of action." Plaintiff's Memorandum of Law in Support of Order to Show Cause, ¶ 3. Indeed, the complaint indicates that the plaintiff and defendants are still litigating this matter in State court, where plaintiff's application to stay the judgment of foreclosure and sale was allegedly still pending as of June 15, 2005. Complaint, ¶ 26, Ex. D. Neither the memorandum of law nor the complaint suggests that the Referee has yet given notice of the sale, much less that the sale of the premises is imminent.

Accordingly, plaintiff's application for a preliminary injunction and temporary restraining order is hereby denied.

SO ORDERED.

Dated: Brooklyn, New York

*June* 17, 2005

  
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United States District Judge